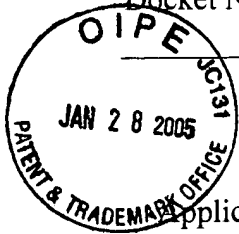


cp 165/ JFW

Docket No.: DAIRY71.001APC

Customer No.: 20,995



AMENDMENT / RESPONSE TRANSMITTAL

Applicant : Schlothauer et al.
 Appl. No. : 10/070,406
 Filed : October 7, 2002
 For : IMPROVED BIOACTIVE
 WHEY PROTEIN
 HYDROLYSATE
 Examiner : F. Prats
 Group Art Unit : 1651

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

January 25, 2005

(Date)

Andrew N. Merickel, Reg. No. 53,317

Mail Stop Amendment

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Response to Office Action in 13 pages with one (1) courtesy copy of a fact sheet.

The fee has been calculated as shown below:

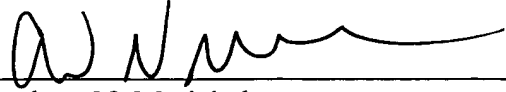
FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Total Claims	36 - 198 = 0	1202 (\$50)	0 x 50 =	\$0
Independent Claims	3 - 3 = 0	1201 (\$200)	0 x 200 =	\$0
			TOTAL FEE DUE	\$0

- (X) Return prepaid postcard.

Docket No.: DAIRY71.001APC

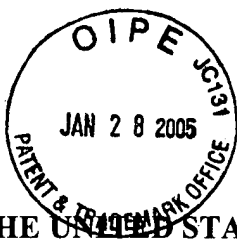
Customer No.: 20,995

- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.



Andrew N. Merickel
Registration No. 53,317
Attorney of Record
Customer No. 20,995
(415) 954-4114

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Schlothauer et al.
Appl. No. : 10/070,406
Filed : October 7, 2002
For : IMPROVED BIOACTIVE WHEY
PROTEIN HYDROLYSATE
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January 25, 2005

(Date)

Andrew N. Merickel, Reg. No. 53,317

RESPONSE TO OFFICE ACTION**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

The present paper is submitted in response to the Office Action mailed on October 25, 2004. Applicants respectfully request entry of the following amendments and consideration of the subsequent remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.